

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claim 5 was rejected as indefinite.

The previously pending claims have been replaced with new claims drafted to be proper as to form so as to patentably recite the present invention.

The previously pending claims were rejected as obvious over ROBERTS et al. 2003/0028796 in view of MIYAZAKI JP 2001-189048.

As noted above, new claims are now presented. The new claims are supported by original claims 1 and 5, specification page 17, line 22 through page 19, line 6. Also see Figures 3A, 3B and 4. New claim 10 is based on original claim 1.

The new independent claims recite the invention's features of:

1) determining whether or not program information pieces recorded on a first recording medium is recorded on a second recording medium;

2) controlling, in cases where it is determined that at least one program information piece out of the program information pieces is not recorded, so that the program information piece determined not to be recorded is recorded on the second recording medium and an order information is recorded in a database, the order information indicating an order of

record position of the program information pieces recorded on the first recording medium; and

3) controlling so that the program information pieces are reproduced from the second recording medium according to the order indicated by the order information recorded in the database.

For example, as shown on page 18 of the specification and Figures 3A-3B of the present application, in cases where data of five pieces of music (their titles are "VVV" to "ZZZ") are recorded on CD 10 (corresponding to a first recording medium), and the data of a large number of pieces of music are recorded on the HD 11 (corresponding to a second recording medium), when an operation according to the present invention is performed, the data of the four pieces of music other than the data of the music title "WWW", that is, the data of music titles "VVV", "XXX" to "ZZZ", are recorded on the HD 11, as shown in Figure 3B.

During this operation, the controller controls such that the music data of the music title "WWW" already having been recorded on the HD 11 and the music data of the music titles "VVV", "XXX" to "ZZZ" to be recorded newly on the HD 11 are mutually related, and order information indicative of such relation is stored in the history information database.

Thus, the controller can control based on the order information (history information), so that the music titles

"VVV" to "ZZZ" on the disk of which title is "DX" are reproduced from the HD 11 in the order (see Figure 4 of the present application) of arrangements of those music data recorded on the CD 10.

Therefore, according to the present invention, it is possible to further improve affinity and convenience for users.

In contrast, both of the applied references ROBERTS and MIYAZAKI do not entirely disclose or suggest the above features of the invention.

MIYAZAKI discloses that when the tracks are recorded to the HDD 24 from the CD 10, a TOC data, titles, and track numbers of the tracks are registered in the management table 24T. However, MIYAZAKI does not disclose that the order information indicating order of record position of the tracks recorded on the CD 10 is registered in the management table 24T. In addition, MIYAZAKI does not disclose that the tracks are reproduced from the HDD 24 according to the order indicated by such order information. Therefore, for example, in cases shown in Figures 3A-3B of the present application, MIYAZAKI cannot have the effect of the present invention and as recited in the present claims.

From the above, it is clear that combining these two references will not result in the invention as recited in the newly presented claims.

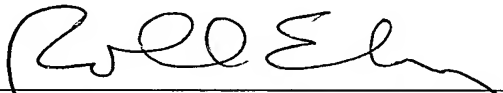
Applicant therefore believes that the claims are both novel and non-obvious over the prior art. Applicant respectfully requests reconsideration and allowance of all the pending claims.

Should there be any outstanding matters that prevent the application from being allowed, applicant respectfully requests that the undersigned attorney be contacted so that these matters can be resolved.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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